

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Heating, Ventilation and Air Conditioning
(Repealer)

815 KAR 8:011. Repeal of 815 KAR 8:007 and 815 KAR 8:045.

RELATES TO: KRS 198B.654, 198B.656, 198B.658

STATUTORY AUTHORITY: KRS 198B.654

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the department to promulgate administrative regulations to administer, coordinate, and enforce the provisions of KRS 198B.650 to 198B.689. This regulation repeals two (2) administrative regulations to conform to recent legislative changes and statutory authority. 815 KAR 8:007 is being repealed because House Bill 394 of the 2017 Regular Session of the General Assembly abolished the Board of Heating, Ventilation and Air Conditioning Contractors. 815 KAR 8:045 is being repealed to eliminate an administrative regulation for which there is no statutory authority. The department has the authority to promulgate administrative regulations to establish a journeyman HVAC mechanic license, but not the authority to establish the limited licenses of a limited journeyman HVAC installer mechanic license nor a limited journeyman HVAC duct mechanic license.

Section 1. The following administrative regulations are hereby repealed:

- (1) 815 KAR 8:007, Kentucky Board of Heating, Ventilation, and Air Conditioning (HVAC) Contractors budget review and responsibility; and
- (2) 815 KAR 8:045, Limited licenses for journeyman HVAC mechanics.

STEVEN A. MILBY, Commissioner

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: April 12, 2018

FILED WITH LRC: April 13, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2018, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments regarding this administrative regulation shall be accepted if received on or before 11:59 p.m. on May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: David R. Startzman, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, david.startzman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: David R. Startzman

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 815 KAR 8:007, and thereby eliminates the requirement that the Division of HVAC to provide budget documents to the HVAC board, which no longer exists as a result of House Bill 394 of the 2017 Regular Session of the General Assembly. This administrative regulation also repeals 815 KAR 8:045, eliminating the limited journeyman HVAC licenses previously established by an administrative regulation the Department lacked statutory authority to promulgate.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to remove a requirement for the HVAC Division to report to the Board because the Board was discontinued by House Bill 394 of the 2017 Regular Session of the General Assembly. The administrative regulation also eliminates limited licenses, the issuance of which have no basis in statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is a repealer that conforms with the Department's authority in KRS 198B.654(1) and with the discontinuation of the HVAC Board as a result of the repeal of KRS 198B.652 in House Bill 394 of the 2017 Regular Session of the General Assembly.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is a repealer that will assist in the effective administration of KRS 198B by removing the requirement that the Department of Housing, Buildings and Construction submit budget documents to the HVAC Board, which no longer exists as a result of House Bill 394 of the 2017 Regular Session of the General Assembly. This administrative regulation will further assist in the effective administration of KRS 198B by eliminating limited licenses that the Department has no authority to issue.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation is a repealer.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is a repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation is a repealer

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will repeal reporting requirements to a board that no longer exists in statute and will eliminate a class of license that does not exist in statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who hold a limited HVAC license and the Department of Housing, Buildings and Construction will be affected. Currently, approximately 308 individuals hold limited HVAC licenses.

(a) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(c) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The repeal of this administrative regulation will not require the regulated entities identified in question (3) to take any action to comply. After the licenses are repealed, the Department will accept the tests completed for the limited license for the journeyman HVAC mechanic licenses.

(c) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Entities identified in question (3) will not incur any cost to comply with this repealer.

(4) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities identified in question (3) who have a limited license will be recognized as journeyman HVAC mechanics. This will eliminate the confusion over whether a limited journeyman HVAC license satisfies the requirements for the Master HVAC contractor's license.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no initial implementation cost. This is a repeal of an administrative regulation.

(b) On a continuing basis: There will be no continuing basis implementation cost. This is a repeal of an administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary for the implementation and enforcement of this repealer.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary for the implementation of this repealer.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This repealer does not establish or increase any fees directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not.) Tiering is not applied because this is a repeal of administrative regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of HVAC will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 198B.654.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenues for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenues for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no costs to administer this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to administer this administrative regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None